



The City of Liberty City Council

Regular Meeting

~ Minutes ~

1829 Sam Houston
Liberty, TX 77575
www.cityofliberty.org

April Gilliland
City Secretary
936-336-3684

Tuesday, February 13, 2024

6:00 PM

City Council Chambers

I. CALL TO ORDER

This meeting was called to order on February 13, 2024, in the City Council Chambers, 1829 Sam Houston Street, Liberty, Texas at 6:01 p.m. by Mayor Carl Pickett.

Attendee Name	Present	Absent	Late	Arrived
Mayor Carl Pickett	X			
Mayor Pro Tem Chipper Smith	X			
Council Member Dennis Beasley		X		
Council Member Libby Simonson	X			
Council Member John Hebert, Jr.	X			
Council Member Tommy Brents	X			
Council Member Ed Seymour	X			

II. INVOCATION

The invocation was given by Pastor Edwin Hardy.

III. PLEDGE OF ALLEGIANCE

The Pledge to the American Flag was led by Public Works Director Damon Jones and the pledge to the Texas Flag was led by Police Chief Gary Martin.

IV. ACKNOWLEDGEMENT OF GUESTS AND VISITORS / PUBLIC COMMENT

Public Comment is reserved for members of the public who would like to address the City Council regarding agenda and non-agenda items. Please be aware that, under Texas Law, the Council may not deliberate or take any action during Citizen's comments for items not on the agenda. In some situations, City Staff may be able to respond to the public comment with a factual statement or clarification. The City Council may have the item placed on a future agenda for action or refer the item to Management and Staff for study or conclusion.

Mayor Pickett welcomed guests and visitors, opening the floor for public comment to those individuals wishing to address the Council. Ms. Kirsten Ingram requested to speak regarding code enforcement and junk motor vehicles.

V. PRESENTATIONS / REPORTS

- A. **City Manager's Report - City Manager Tom Warner - Topics include - 2023 Street Rehabilitation Project, City Building Official, Texas Municipal League Midyear Conference, Golf Course, Water Leak Repair Schedule, and Electrical Projects.**

City Manager Tom Warner reported on the following updates:

- 2023 Street Rehabilitation Program (Texas Street)
- City Building Official
- TML Midyear Conference
- Golf Course
- Water Leak Schedule
- Electrical Projects

B. Finance Report - Assistant City Manager/CFO Naomi Herrington

This financial report was postponed as the audit report was to be presented later in the meeting and will be brought back to the special meeting on February 27, 2024.

C. Department Reports

Monthly reports are submitted by departments and are attached to the agenda for the council to review and to comment on or ask questions that they may have. No comments were made.

D. Sam Rayburn Municipal Power Agency - Mayor Pickett

Mayor Pickett, President of the Sam Rayburn Municipal Power Agency, stated that the meeting for SRMPA is held on the third Tuesday of each month in Livingston.

E. Mayor, Council and Staff Comments

Mayor Pickett welcomed comments from Council Members and/or City Staff. Police Chief Gary Martin let the Council know that the annual racial profiling report has been completed and filed with TCOLE and copies are available for review at the Police Department and City Hall. Mayor Pickett wished everyone a Happy Valentine's Day. Mayor Pickett reminded everyone of coffee with the mayor on February 15 and the next Council meeting would be held on February 27. City Attorney Brandon Davis mentioned the LISD Education Foundation Casino Night Fundraiser being held on February 17 and tickets were still available.

1. REVIEW AND DISCUSS SECTION 3 POLICY UPDATES & INFORMATION FOR THE CITY'S TXCDBG CONTRACT #CDV21-0052.

The City council reviewed and discussed the Section 3 presentation required for Contract(s) CDV-21-0052, including employment opportunities for Section 3 workers, contractor outreach, and tracking work hours for all CDBG grants and contracts.

VI. CONSENT AGENDA

All consent items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

A motion was made by Council Member Simonson to approve all items on the consent agenda and seconded by Council Member Brents. The motion passed 6 to 0 with all present voting yes.

A. Minutes Approval

1. January 9, 2024

B. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING AN INTERLOCAL AGREEMENT WITH TARKINGTON INDEPENDENT SCHOOL DISTRICT FOR USE OF THE LIBERTY MUNICIPAL GOLF COURSE.

- C. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING PARTICIPATION IN NATIONAL LIBRARY WEEK BY OFFERING A FINE FORGIVENESS WEEK FROM APRIL 7 – APRIL 13, 2024.**

VII. REGULAR AGENDA

A. Regular Session

1. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, ACCEPTING THE FISCAL YEAR 2022 – 2023 ANNUAL AUDIT REPORT AS PRESENTED BY BROOKSWATSON & CO., PLLC.**

Texas Local Government Code 103.001 requires that a municipality shall have its financial records and accounts audited annually and shall have an annual financial statement prepared based on the audit. An audit will check the accuracy of records, compliance with accounting methods, and the soundness of financial practices, including internal controls. Mike Brooks of Brooks Watson & Company, P.C., LLC presented the Fiscal Year 2022-2023 Annual Audit Report and reviewed the following with the Council:

Overview of the Audit Process

Components of the Annual Financial Report

Independent Auditor's Report

Financial Highlights

City Revenues - Governmental Activities

City Expenses - Governmental Activities

Schedule of Revenues, Expenditures & Changes in Fund Balance (Budget & Actual)

Statement Revenues, Expenditures & Changes in Net Position

TMRS Pension Liability

A motion was made by Council Member Brents to approve the resolution accepting the Fiscal Year 2022-2023 Annual Audit Report as presented by Brooks Watson & Co., P.C., LLC and seconded by Council Member Simonson. The motion passed 6 to 0 with all present voting yes.

2. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS ORDERING A GENERAL ELECTION TO BE HELD ON THE 4TH DAY OF MAY, 2024 FOR THE PURPOSE OF ELECTING A MAYOR AND THREE COUNCIL MEMBERS; AUTHORIZING A JOINT ELECTION AGREEMENT AND ELECTION SERVICES CONTRACT BY AND BETWEEN THE CITY OF LIBERTY, THE LIBERTY INDEPENDENT SCHOOL DISTRICT, ANY OTHER CONTRACTING ENTITIES AND THE LIBERTY COUNTY CLERK OFFICE; PROVIDING FOR EARLY VOTING; PROVIDING FOR PUBLICATION AND NOTICE OF ELECTION; ESTABLISHING OTHER PROCEDURES FOR CONDUCT OF THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

This Ordinance calls for an election to be held on May 4, 2024, for the purpose of electing a Mayor and three (3) City Council Members. Those Council Members whose terms expire in May are: Mayor Carl Pickett and Council Members Chipper Smith, Ed Seymour and Tommy Brents. Additionally, the City Council is requested to authorize the Mayor to execute an Election Services Contract with the Liberty County Clerk. A motion was made by Council Member Simonson to approve the ordinance ordering a general election to be held May 4, 2024, and seconded by Council Member Smith. The motion passed 6 to 0 with all present voting yes.

3. **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A**

HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AWARDED THE BID FOR THE FIRE HYDRANT REPLACEMENT PROJECT TO COMPACT TX CONTRACTING, INC.

This item was passed on and will be brought back to the Council at the next meeting.

4. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AWARDED THE BID FOR THE 2024 STREET REHABILITATION PROJECT TO AAA ASPHALT PAVING, INC.

The Capital Improvement Plan in the Fiscal Year 2024 Budget included the 2024 Street Rehabilitation Project. The proposed project included eighteen (18) streets, totaling approximately 2.94 miles in length, at an estimated cost of \$2,563,100. On February 1, 2024, five (5) bids were received, ranging from the apparent low bid of \$1,773,585.00 to the apparent high bid of \$3,171,819.00. The apparent low bid includes an estimated cost of \$1,384,085.00 for street rehabilitation costs and \$389,500.00 for water & wastewater costs. The apparent low bid was submitted by AAA Asphalt Paving, Inc. of Pinehurst, Texas. A motion was made by Council Member Simonson to approve the resolution awarding the bid for the 2024 street rehabilitation project to AAA Asphalt Paving, Inc. and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

5. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, RATIFYING THE LCDC'S EXPENDITURE OF FUNDS FOR WILDLIFE FENCING AT THE LIBERTY MUNICIPAL AIRPORT.

On May 16, 2023, the LCDC allocated \$110,560 to the wildlife fencing project at the airport. The project was designed by KSA Engineers and includes the installation of 14,300 linear feet of 8-foot tall wildlife fencing with 3-strands of barbed wire. The City's share was based on an initial construction estimate of \$1,105,593 (Liberty's match for the project was 10%). On January 3, 2024, City staff received the final designs of the construction plans, which also included a revised construction estimate of \$1,450,100. Based on the revised estimate, the City's new local match is \$145,010, which will require an increase in funding of \$34,450. The project was designed by KSA Engineers and will install 14,300 linear feet of 8-foot tall wildlife fencing with 3-strands of barbed wire. On January 23, 2024, the LCDC Board of Directors voted 7-0 to approve an additional expenditure of \$34,450 for the Wildlife Fencing Project. A motion was made by Council Member Seymour to approve the resolution ratifying the LCDC's Expenditure of funds for wildlife fencing at the Liberty Municipal Airport and seconded by Council Member Smith. The motion passed 6 to 0 with all present voting yes.

6. First Reading - A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE CREATION OF THE LIBERTY COMMUNITY DEVELOPMENT CORPORATION'S UTILITIES AND PUBLIC SAFETY GRANT PROGRAM AND RATIFYING AN EXPENDITURE OF FUNDS FOR SAME.

On December 19, 2023, LCDC held a work session to review and discuss the creation of a new economic development program. Staff is recommending the creation of a utilities and public safety improvement grant program. While the façade grant program focuses on the exterior of the building, the utilities and public safety grant program focuses on business expansion and interior safety improvements. The program is modeled on the façade program; it will operate on a reimbursement basis and all requests for funding assistance must be approved by the LCDC Board of Directors. On January 23, 2024, the LCDC Board of Directors held a public hearing and voted 7-0 to create the utilities and public safety grant program and to allocate \$90,000 to the program. The first reading of the resolution was done by City

Attorney Brandon Davis.

7. Second Reading - **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE CREATION OF THE LIBERTY COMMUNITY DEVELOPMENT CORPORATION'S UTILITIES AND PUBLIC SAFETY GRANT PROGRAM AND RATIFYING AN EXPENDITURE OF FUNDS FOR SAME.**

The second reading of the resolution was done by City Attorney Brandon Davis. A motion was made by Council Member Brents to approve the resolution approving the creation of the Liberty Community development Corporation's Utilities and Public Safety Grant program and ratifying an expenditure of funds for the same, and seconded by Council Member Simonson. The motion passed 6 to 0 with all present voting yes.

8. First Reading - **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE LIBERTY COMMUNITY DEVELOPMENT CORPORATION'S PICKLEBALL COURTS AND COVERED PAVILION PROJECT AND APPROVING THE EXPENDITURE OF FUNDS FOR THE ENGINEERING AND DESIGN SERVICES OF SAME.**

Staff is proposing to contract with Leavins Engineering & Design, LLC (LEAD) for the engineering and design of four pickleball courts and a covered pavilion at the Liberty Municipal Golf Course. This new amenity will provide additional recreational opportunities for the citizens of Liberty. LEAD has submitted a proposal to prepare the plans, specifications, and contract documents to prepare the project for bidding. Broadly speaking, the project includes the demolition of the existing tennis courts at the golf course and re-pouring a slab that is approximately 120 x 90, installation and striping the pickleball surface and constructing a covered pavilion. The construction of the amenities will require the solicitation of competitive bids since the estimated construction costs are likely to exceed \$50,000. On January 23, 2024, the LCDC Board of Directors held a public hearing and voted 6-1 to allocate \$40,000 for the engineering and design of pickleball courts and a covered pavilion at the golf course. The first reading of the resolution was done by City Attorney Brandon Davis.

9. Second Reading - **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, APPROVING THE LIBERTY COMMUNITY DEVELOPMENT CORPORATION'S PICKLEBALL COURTS AND COVERED PAVILION PROJECT AND APPROVING THE EXPENDITURE OF FUNDS FOR THE ENGINEERING AND DESIGN SERVICES OF SAME.**

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10. **AN ORDINANCE AMENDING CHAPTER 3, BUILDING REGULATIONS, OF THE**

CITY OF LIBERTY CODE OF ORDINANCES, BY AMENDING ARTICLE 3.03, ELECTRICITY; ESTABLISHING AN EFFECTIVE DATE.

The proposed ordinance would require all commercial buildings to have all service conductors to terminate in one main disconnect having a short-circuit rating equal to or greater than the available fault current, installed in a readily accessible outdoor location. The purpose of the main emergency disconnect is to protect firefighters and prevent damage to the electrical distribution system in the event of a fire. The ordinance would become effective immediately for all new construction and for existing structures that have been vacant for six months or longer. The council had concerns over adding this change to existing structures. A motion was made by Council Member Hebert to adopt the Ordinance as written and seconded by Council Member Simonson. This motion died by a 3 to 3 vote. A second motion was made by Council Member Brents to table this item until the February 27, 2024, meeting and seconded by Council Member Smith. This motion passed by a 4 to 2 vote, with Council Members Hebert and Simonson voting no.

11. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, AWARDED THE BID FOR THE 2024 ANNUAL SUBSTATION MAINTENANCE TO DASHIELL CORPORATION.

On January 31, 2024, only one bid was received for the 2024 Annual Substation Maintenance from Dashiell, and it was in the amount of \$92,140.00. Last year, two bids were received for substation maintenance. The amounts for the two bids submitted last year were \$63,170.00 and \$85,280.00. The increase in the bid cost from last year to this year is due, in part, to the inclusion of the Boomerang Substation in the contract. The contract last year was also awarded to Dashiell. A motion was made by Council Member Brents to approve the resolution awarding the bid for the 2024 annual substation maintenance to Dashiell Corporation and seconded by Council Member Seymour. The motion passed 6 to 0 with all present voting yes.

12. A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF LIBERTY, TEXAS, A HOME RULE MUNICIPALITY EXISTING UNDER THE LAWS OF THE STATE OF TEXAS, REJECTING A BID FOR TAX RESALE PROPERTY DESCRIBED AS LOT 2, BLOCK A, COMPTON SUBDIVISION.

A tax foreclosure was done on property described as Lot 2, Block A, Compton Subdivision. Joseph Properties has offered \$8,000.00 to purchase the property. Currently, the CAD value of the property is \$134,010 and the total taxes owed to all entities is \$79,473.34. A motion was made by Council Member Simonson to reject the bid from Joseph Properties for tax resale property described as lot 2, block A, Compton Subdivision, and seconded by Council Member Hebert. The motion passed 6 to 0 with all present voting yes.

B. Executive Session

At 7:55p.m., Mayor Pickett closed the open meeting and opened the Executive Session as authorized by Title 5, Chapter 551 of the Texas Government Code.

- 1. Texas Government Code §551.071 - Private Consultation with Attorney**
Discussion with attorney regarding contemplated/pending litigation and/or regarding matters protected by attorney/client privilege.
- 2. Texas Government Code §551.072 - Deliberation Regarding Real Property**
Discussion regarding real property.
- 3. Texas Government Code §551.074 - Personnel Matters.**
To deliberate the appointment, employment, evaluation, reassignment, duties,

discipline, or dismissal of a public officer or employee.

4. Texas Government Code §551.087 - Deliberation Regarding Economic Development Negotiations.

Discussion regarding economic development negotiations.

C. Reconvene into Regular Session

At 9:20 p.m., Mayor Pickett closed the Executive Session and reconvened the open meeting.

1. Consider and take possible action on legal matters discussed in executive session.

No action was taken.

2. Consider and take action on real estate matters discussed in executive session.

No action was taken.

3. Consider and take possible action on personnel matters discussed in the executive session.

No action was taken.

4. Consider and take possible action on economic development matters discussed in executive session.

No action was taken.

VIII. ADJOURNMENT

A. Motion To: Adjourn

With no further business to discuss, Mayor Pickett adjourned the meeting at 9:21 p.m.

Carl Pickett, Mayor

ATTEST:

April Gilliland, City Secretary